

REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Support for the amendments to claims 13 and 25 is provided at least in paragraph [0044] of the published specification. The amendments were not presented earlier due to the unforeseeability of the remarks presented in the Final Rejection.

Claims 13-17 and 20-26 were rejected, under 35 USC §103(a), as being unpatentable over Nobukiyo et al. (US 6,993,294) in view of Toshimitsu (US 6,735,256). Claims 18 and 19 were rejected, under 35 USC §103(a), as being unpatentable over Nobukiyo in view of Toshimitsu and Bae et al. (US 5,832,387). To the extent these rejections may be deemed applicable to the amended claims, the Applicant respectfully traverses based on the points set forth below.

Claim 13 now defines a multicarrier communication apparatus that determines a position of a feedback information carrier, within a plurality of carriers, in accordance with the reception qualities of the carriers. The claimed feature provides advantages of suppressing the extent to which interference from other channels affects the feedback information and alleviating a reduction of channel capacity due to the interference.

By contrast to the claimed subject matter, Toshimitsu discloses that when an error is detected in a received packet, a terminal station selects L subcarriers from M subcarriers constituting an OFDM symbol and maps NAK signals onto the selected L subcarriers (see Toshimitsu col. 4, line 43, through col. 5, line 2, and col. 8, lines 34-42). The value of L is increased when the reception properties of a packet are satisfactory and decreased when the reception properties are deteriorated (see col. 6, lines 17-24). Toshimitsu discloses three

methods of selecting the L subcarriers: (1) selecting the subcarriers at random every time, (2) selecting the subcarriers at random only at communication start and subsequently selecting the same subcarriers, and (3) selecting fixed subcarriers (see column 4, lines 58-65).

Thus, Toshimitsu discloses changing the total number of feedback information carriers in accordance with reception quality, whereas the claimed invention changes the position of a feedback information carrier, among a plurality of carriers, in accordance with reception quality. The claimed invention does not change the total number of feedback information carriers but, instead, changes the position of the feedback information carrier among the plurality of carriers in accordance with the reception qualities of the carriers.

More specifically, Toshimitsu discloses that the number of feedback information carriers is one when reception quality is poor and increases from one to two when reception quality is good. By contrast, the claimed invention employs one feedback information carrier regardless of whether reception quality is good or poor, but may change the position of the feedback information carrier from carrier #1 to carrier #2 in accordance with the respective reception qualities of the carriers.

In summary, Toshimitsu does not disclose the claimed feature of determining the position of a feedback information carrier, among positions of the plurality of carriers, in accordance with the measured reception qualities of the carriers. Although the Final Rejection proposes that Nobukiyo discloses, in Fig. 22, selecting a pilot carrier having the best reception quality (see Final Rejection section 5, fourth paragraph), Nobukiyo actually discloses transmitting feedback information S122 when the reception quality of a channel equals or exceeds a threshold value S102 and S152 (see Nobukiyo Fig. 22). Thus, Nobukiyo does not supplement the teachings of

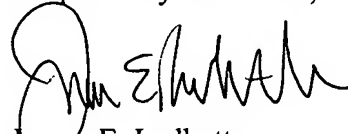
Toshimitsu with regard to the above-mentioned subject matter distinguishing claim 13 from Toshimitsu. Bae is not cited for supplementing the teachings of Toshimitsu in this way.

Accordingly, the Applicant respectfully submits that Nobukiyo, Toshimitsu and Bae, considered individually or in combination, do not render obvious the subject matter defined by claim 13. Independent claim 25 similarly recite the above-mentioned subject matter distinguishing apparatus claim 13 from the applied references, but with respect to a method. Therefore, the rejections applied to claims 18 and 19 are obviated and allowance of claims 13 and 25 and all claims dependent therefrom is warranted.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,



James E. Ledbetter

Registration No. 28,732

Date: March 12, 2008
JEL/DWW/att

Attorney Docket No. 009289-05198
Dickinson Wright PLLC
1901 L Street, NW, Suite 800
Washington, DC 20036
Telephone: (202) 659-6960
Facsimile: (202) 659-1559